

EXHIBIT 22

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APPLICANT: JAMES M. JOHNSON, BRIDGEVILLE, PA; ROBERT P. KINROSS, BEN AVON, PA; FRANCIS J. MELLY, PITTSBURGH, PA; DOUGLAS A. MOYER, UPPER ST. CLAIR, PA.																																																																					
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PLAINTIFF'S EXHIBIT

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EP150276

ePLUS0703539



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Johnson et al.

Serial No. 08/288,577

Filed: August 10, 1994

Art Unit: 2761

Examiner: Junghoon Kenneth Oh

Attorney Docket No.: 95-185

10/10
P.
4-3-3
ELECTRONIC SOURCING SYSTEM
AND METHOD

RECEIVED
GROUP 2
APR 14
2023
Pittsburgh, Pennsylvania

Assistant Commissioner for Patents
and Trademarks
Washington, D.C. 20231

RESPONSE TO FIRST OFFICE ACTION, DATED DECEMBER 8, 1997

Dear Sir:

Responsive to the first Office Action dated December 8, 1997, please amend the above-captioned application as follows:

AMENDMENT

Applicants respectfully request entry of the following amendments in the above-captioned application.

ARIB 503841

PG100-02972201-GARABCH
ADM 12/11 11:19 AM

EP150440

ePLUS0703703

IN THE SPECIFICATION:

On page 1, lines 16-17, please replace: "co-pending patent application Serial No. 08/042,168" with: -- U.S. Patent No. 5,712,989 --.

IN THE CLAIMS:

Please cancel claims 1 through 78 currently on file, without prejudice.

Please add the following newly presented claims:

--79. An electronic sourcing system comprising:
at least two vendor product catalogs containing data relating to items associated with the respective vendors;
means for selecting the vendor product catalogs to search;
means for searching for matching items among the selected vendor product catalogs;
means for building a requisition using data relating to selected matching items and their associated vendor(s); and
means for processing the requisition to generate one or more purchase orders for the selected matching items.--

--80. The electronic sourcing system of claim 79 wherein the purchase orders include data relating to a vendor catalog number for the selected matching items.--

--81. The electronic sourcing system of claim 79 further

comprising means for converting the data relating to a selected matching item and its associated vendor to data relating to a different vendor and a corresponding item.--

--82. The electronic sourcing system of claim 79 further comprising means for determining whether a selected matching item is available in inventory.--

--83. The electronic sourcing system of claim 79 further comprising means for determining the applicable price of a selected matching item.--

--84. An electronic sourcing system comprising:
a database containing data relating to items associated with at least two vendors;

means for searching for matching items in the database;

means for building a requisition using data relating to selected matching items and their associated vendors;

means for processing the requisition to generate one or more purchase orders for the selected matching items.--

--85. An electronic sourcing system of claim 84 wherein the requisition includes matching items from at least two vendors.--

--86. The electronic sourcing system of claim 84 wherein the purchase orders include data relating to vendor catalog numbers.--

--87. The electronic sourcing system of claim 84 further comprising means for converting the data relating to a selected matching item and its associated vendor to data relating to a different vendor and a corresponding item.--

--88. The electronic sourcing system of claim 84 further comprising means for determining whether a selected matching item is available in inventory.--

--89. The electronic sourcing system of claim 84 further comprising means for determining the applicable price of a selected matching item.--

--90. The electronic sourcing system of claim 87 further comprising means for determining whether a selected matching item is available in inventory.--

10 --91. The electronic sourcing system of claim 87 further comprising means for determining the applicable price of a selected matching item.--

--92. An electronic sourcing system comprising:
at least two vendor product catalogs containing data relating to items associated with the respective vendors;

means for searching for matching items among the vendor product catalogs;

means for building a requisition that includes a first matching item and a second matching item, each associated with a different vendor; and

means for processing the requisition to generate purchase orders for the first and the second matching items.--

11 12 --93. The electronic sourcing system of claim 92 wherein a first purchase order includes data relating to the first matching item.--

13 12 --94. The electronic sourcing system of claim 93 wherein a second purchase order includes data relating to the second matching catalog item.--

--95. An electronic sourcing system comprising:

data relating to items associated with at least two vendors maintained so that selected data may be searched separately;

means for searching for matching items among the selected data;

means for building a requisition using data relating to selected matching items and their associated vendor(s); and

means for processing the requisition to generate purchase orders using data relating to the selected matching items and their associated vendor(s).--

--96. The electronic sourcing system of claim 95 wherein the purchase orders use data relating to at least two vendors.--

--97. The electronic sourcing system of claim 95 wherein the purchase orders use data relating to vendor catalog numbers.--

--98. The electronic sourcing system of claim 95 further comprising means for converting the data relating to a selected matching item and its associated vendor to data relating to a different vendor and a corresponding item.--

--99. The electronic sourcing system of claim 95 further comprising means for determining whether a selected matching item is available in inventory.--

--100. The electronic sourcing system of claim 95 further comprising means for determining the applicable price of a selected matching item.--

--101. An electronic sourcing system comprising:

a database containing data relating to items associated with at least two vendors maintained so that selected portions of the database may be searched separately;

means for searching for matching items in the selected portions of the database;

means for building a requisition that includes data relating to selected matching items;

means for processing the requisition to generate purchase orders for selected matching items.--

--102. The electronic sourcing system of claim 101 wherein the purchase orders include data relating to vendor catalog numbers.-- 19

--103. The electronic sourcing system of claim 101 further comprising means for converting data relating to a selected matching item and its associated vendor to data relating to a different vendor and a corresponding item.--

--104. An electronic sourcing system of claim 101 wherein the requisition includes matching items from at least two vendors.--

--105. The electronic sourcing system of claim 104 wherein the purchase orders include data relating to the vendor associated with the selected matching item.--

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--106. The electronic sourcing system of claim 101
further comprising means for determining whether a selected
matching item is available in inventory.--

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--107. The electronic sourcing system of claim 101
further comprising means for determining the applicable price of
a selected matching item.--

--108. A method comprising the steps of:

maintaining at least two vendor product catalogs
on a database containing data relating to items associated with
the respective vendors;

selecting the vendor product catalogs to search;
searching for matching items among the selected
vendor product catalogs;

building a requisition using data relating to
selected matching items and their associated vendor(s); and

processing the requisition to generate one or more
purchase orders for the selected matching items.--

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--109. The method of claim 108 wherein the purchase
orders include data relating to a vendor catalog number for the
selected matching items.--

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--110. The method of claim 108 further comprising the
step of converting data relating to a selected matching item and
its associated vendor to data relating to a different vendor and
a corresponding item.

--111. The method of claim 108 further comprising the step of determining whether a selected matching item is available in inventory.--

--112. The method of claim 108 further comprising the step of determining the applicable price of a selected matching item.--

--113. A method comprising the steps of:

maintaining a database containing data relating to items associated with at least two vendors;

searching for matching items among the data relating to the items;

building a requisition using data relating to selected matching items and their associated vendor(s); and

processing the requisition to generate purchase orders using data relating to the selected matching items and their associated vendor(s).--

--114. The method of claim 113 wherein the purchase orders use data relating to at least two vendors.--

--115. The method of claim 113 wherein the purchase orders use data relating to vendor catalog numbers.--

--116. The method of claim 113 further comprising the step of converting the data relating to a selected matching item and its associated vendor to data relating to a different vendor and a corresponding item.--

--117. The method of claim 113 further comprising the step of determining whether a selected matching item is available in inventory.--

--118. The method of claim 113 further comprising the step of determining the applicable price of a selected matching item.--

--119. A method comprising the steps of:

maintaining a database containing at least two vendor product catalogs containing data relating to items associated with the respective vendors;

searching for matching items among the vendor product catalogs;

building a requisition that includes a first matching item and a second matching item, each from a different vendor product catalog; and

processing the requisition to generate purchase orders for the first and the second matching items.--

--120. The method of claim 119 wherein a first purchase order uses data relating to the first matching item and a second purchase order uses data relating to the second matching catalog item.--

--121. The method of claim 119 further comprising the step of converting data relating to a selected matching item and its associated vendor to data relating to a different vendor and a corresponding item.--

--122. The method of claim 119 further comprising the step of determining whether a selected matching item is available in inventory.--

--123. The method of claim 119 further comprising the step of determining the applicable price of a selected matching item.--

--124. A method comprising the steps of:

maintaining a database containing data relating to items associated with at least two vendors whereby selected portions of the database may be searched separately;

searching for matching items among the selected portions of the database;

building a requisition using data relating to selected matching items and their associated vendor(s); and

processing the requisition to generate purchase orders using data relating to the selected matching items and their associated vendor(s).--

--125. The method of claim 124 wherein a first purchase order uses data relating to selected matching items from a first vendor and a second purchase order uses data relating to selected matching items from a second vendor.--

--126. The method of claim 124 further comprising the step of converting the data relating to a selected matching item and its associated vendor to data relating to a different vendor and a corresponding item.--

--127. The method of claim 124 further comprising the step of determining whether a selected matching item is available in inventory.--

--128. The method of claim 124 further comprising the step of determining the applicable price of a selected matching item--

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--129. A method comprising the steps of:

maintaining a database containing data relating to items associated with at least two vendors whereby selected portions of the database may be searched separately;

searching for matching items in the selected portions of the database;

building a requisition that includes selected matching items;

processing the requisition to generate purchase orders for selected matching items.--

REMARKS

Applicants have withdrawn claims 1 through 78 and submitted new claims 79 through 129 which more clearly define the claimed invention. Applicants have amended the claims using the following terminology: "matching items" are the search results (see e.g., specification at page 5, lines 11-24); "selected matching items" are requisition items (see e.g., specification at page 5, lines 11-24); "associated vendor" is the vendor or source (e.g., different warehouses operated by one vendor) associated with a selected matching item (see e.g., specification at page 8, lines 25 through page 9, line 6); "selected vendor catalogs" are the catalogs, subcatalogs or portions of the database to be searched (see e.g., specification at page 19, lines 15-19); and

"corresponding item" is a replacement item with a different identifier and/or from a different vendor or source (see e.g., specification at page 29, lines 20-28; page 20, line 18 through page 21, line 18). It is respectfully submitted that the invention, as now claimed, would not have been obvious in view of the art cited. The reasons are as follows:

The primary reference cited by the Examiner, King, Jr. et al. ("King"), is unlike Applicants' invention. King discloses a Public Catalog which acts as the repository for supplier-selected information downloaded from the Master Catalog. See e.g. col. 3 line 61 - col. 4, line 14. Similarly, the Private Catalog of King appears to be a subset of supplier-specific information for a particular customer. See e.g., col. 4, lines 15-32.

Applicants' claimed invention permits access to complete catalogs, and multiple catalogs from a single source or multiple sources. See e.g., specification at page 8. The catalogs may be specific or general, segmented into subcatalogs or whole, all to provide flexibility to the customer.

With Applicants' claimed invention, customers have the capability of selecting particular catalogs (or subcatalogs) they wish to search, and the ability to search among all selected catalogs with a single query. See e.g., specification at page 19, lines 15-19. This represents a distinct advantage over the teaching of King where the customer appears to be limited to searching the Private Catalog or the Public Catalog, with no option of choosing to search both, or choosing to search selected portions only, or choosing to search multiple catalogs at the same time.

In Applicants' invention, the list generated from a query may contain matching items from the various selected

catalogs. An advantage of Applicants' claimed invention is its ability to assign those selected items to separate purchase orders. King does not teach or suggest this advantage. Rather, it appears from King that purchase orders are generated on an item-by-item basis, without the ability to manage a multi-line requisition and still direct different purchase orders to different suppliers. See e.g., col. 5, line 40 - col. 6, line 15. While the Examiner contends that Dworkin teaches multiple purchase orders (Office Action at pp. 6-7), neither Dworkin alone, nor in combination with King, teaches or suggests the ability to manage a multi-line requisition and then direct multiple purchase orders to different suppliers.

Beginning at page 5 of the Office Action, the examiner cites Appendix IV of the Geier reference as describing a multi-line requisition. Appendix IV, however, is merely a listing of prior orders for the same product. Thus, Geier's list of previous orders does not teach or suggest the multi-product, multi-line requisition of Applicants' invention.

Applicants' invention also includes the capability of checking the applicable price and/or availability of selected items prior to generating the various purchase orders. This advantage is neither taught nor suggested by the cited references. Applicants claimed invention, with the capability of checking availability at different inventory locations, permits separating a multi-line requisition into separate orders for products available at different locations, from the same or different vendors.

Applicants also claim a system and method whereby a selected item may be ordered from an alternative supplier by cross-referencing the suppliers' respective catalog numbers (or other identifier). This feature is particularly useful in

connection with the price/availability check. Unlike the system disclosed in King, purchase orders need not be generated for out-of-stock items at one supplier when another supplier has the items in inventory. The capability of cross-referencing among various suppliers' products gives the customer the flexibility to choose one supplier (or supplier location) over another, whether it be for better pricing, availability, delivery, or other criteria.

New claims 79 through 129 better define these particular advantages of Applicants' invention.

Applicants respectfully disagree with the Examiner's view that those having ordinary skill in the art would have combined the teachings of Dworkin and/or Geier with King. The Examiner cites Dworkin because "King does not disclose a teaching of entering product information that at least partially describes at least one item." See e.g., Office Action at 2. The Examiner cites Geier claiming that it teaches the use of catalog numbers (e.g., Office Action at 3) and generating an order list (e.g., Office Action at 5).

Notably, however, King did not adopt these presumably obvious features when given the chance. As the Examiner will note from the King reference, both Dworkin and Geier were cited during the prosecution of the King patent. Yet surprisingly, despite the fact that the assignee of the King patent is a sophisticated multi-billion dollar company, King never combined the above features in the claims of the patent. If the features allegedly disclosed in the Dworkin and Geier references would have been obvious to one having ordinary skill in the art, why were they not obvious to King even when those precise references were a part of the prosecution?

At page 9 of the Office Action, the Examiner likens an aspect of Applicants' invention to "a shopping cart in a grocery store". Under such a scenario, the distinct advantages of Applicants' invention would include 1) the capability of shopping in many stores at once; 2) not having to push the cart up and down the aisles of the various stores looking for items -- they are retrieved and brought to the customer; 3) being able to select from among comparable items at different stores based on price, availability, or some other criteria; and 4) being able to purchase all of the selected items from desired sources without having to wait in the check-out line at each of the stores.

The advantages of Applicants' invention, as set forth in the accompanying claims, are neither taught nor suggested by the art of record. Applicants believe that the above claims are in condition for allowance. Applicants respectfully request the Examiner's prompt and favorable consideration.

Respectfully submitted,

JOHNSON ET AL.

Dated: April 6, 1998

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